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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,976	06/27/2005	Robert W. Insalaco	HMI P1196US1	4250
37190 7590 05/30/2008 VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP 333 BRIDGE STREET, NW P.O. BOX 352 GRAND RAPIDS, MI 49501-0352				
EXAMINER				
LAUX, JESSICA L				
ART UNIT		PAPER NUMBER		
3635				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/509,976

**Applicant(s)**

INSALACO, ROBERT W.

**Examiner**

Jessica Laux

**Art Unit**

3635

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-28 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 06/14/2007.

## **DETAILED ACTION**

### ***Specification***

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### ***Claim Objections***

The independent claims recite "a vertical partition member" and depending claims recite "partition". For clarification to avoid confusion of the claim language it is suggested that a consistent term (such as vertical partition member) be used to identify the same feature throughout the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and depending are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites that the partition (see above) includes a frame that defines an interior portion. It is unclear and confusing from the claim language if this frame and interior portion are the same as or different from the frame and interior portion of claim

Additionally claim 6 recites "a light weight member that extends over the frame interior portion" and it is unclear if this is the same as or different from the light weight member that extends over the frame interior portion of claim 1.

In claim 7 it is unclear to which light weight member is being referred (the one of claim 1 or claim 6).

In claim 8 it is unclear which to which frame is being referred (the one of claim 1 or claim 5).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 5-8, 9-10, 12-17, 21, 25, 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson (3719768).**

Claims 1 and 5-8 as best understood: Jonsson discloses a ceiling system with a vertical partition for providing space division in an open plan building environment, comprising:

a ceiling including a frame (10) defining an interior portion and a generally light weight member (18) extending across the interior portion and a plurality of anchor members (as seen in figures 2-8)) for attachment to a top surface; and

a reconfigurable vertical partition member (14) connected to the ceiling.

Claims 9-10: The ceiling system of claim 5 wherein the partition is laterally or angularly adjustable (abstract).

Claim 12: The ceiling system of claim 11 wherein the ceiling system is connected to a light emitting diode light source (Col. 1, lines 35-47).

Claim 13: The ceiling system of claim 12 wherein the partition extends to a base surface (the floor; Col. 2, lines 65-67).

Claim 14: The ceiling system of claim 13 wherein the partition further comprises mounting clips (22) adapted to receive the frame.

Claim 15: A ceiling system with a vertical partition for providing space division in an open plan building environment, comprising:

a ceiling (10) including a frame defining an interior portion and a panel member (18) extending across the interior portion and generally formed from a light weight material;

a plurality of anchor members (22) for attachment to a top surface and a plurality of suspension members (12) interconnecting the anchor members to the ceiling; and

a reconfigurable vertical partition member (14) connected to the frame of the ceiling and extending downward therefrom.

Claims 16-17: The ceiling system of claim 16 wherein the partition is adjustable in three dimensions (Col. 1, lines 34-42).

Claims 21, 25: A reconfigurable ceiling system with a vertical partition for providing space division in an open plan building environment, comprising:

a plurality of anchor members (12) connected to a top surface of a workspace;

a plurality of suspension members (22);

a reconfigurable ceiling including a frame (10) defining an interior portion and a generally light weight member (18) of a preselected acoustic property extending across the interior portion, the ceiling connected to the suspension members; and

a reconfigurable vertical partition member (14) connected to the ceiling, the partition being adjustable;

whereby the ceiling system is assembled by connecting the ceiling and suspension members to selected anchors and readily reconfigured by moving the ceiling and reconnecting it to different anchors in order to reposition the ceiling to suit the needs of a user.

Claims 26-27: The ceiling system of claim 20, 25 further including a lighting member that is a light emitting diode (Col. 1, lines 45-50).

Claim 28: The ceiling system of claim 26 wherein the light emitting diode is connected to the vertical partition (as seen in figure 1; Col. 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-3, 11, 18-20, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (3719768).**

Claims 2-3, 18-20, 22-24: Jonsson discloses the ceiling system as above, but does not expressly disclose the material or translucency/opaqueness of the material used in the lightweight member or the vertical partition. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a translucent or opaque material or any one of fiberglass, or fabric, since it has been held

to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. It would have been obvious to modify the material choice for the purpose of aesthetics for the particular environment the device is used in and for the purpose of material availability and cost.

Claim 11: Jonsson discloses the ceiling system of claim 8 wherein but does not disclose that the light weight member includes a printed image. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have printed in image on the light weight member to provide an aesthetically pleasing appearance or to provide directional information depending on the intended environment, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/  
Primary Examiner, Art Unit 3633

/J. L./  
Examiner, Art Unit 3635